

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**DONDERRIOUS WILLIAMS,
AIS #251429,**

Plaintiff,

vs.

JEREMY PELZER, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

**CIVIL ACTION NO.
2:23-cv-406-RAH-SMD**

DEFENDANTS' MOTION TO DISMISS

COME NOW Defendants Correctional Lieutenant Jeremy Pelzer, Correctional Lieutenant Michael Jones, Correctional Sergeant Steven Parker, Correctional Sergeant Christopher Cottles, Correctional Sergeant Christopher Simpson, Correctional Sergeant Luther Smith, Correctional Officer Christopher Allen, Correctional Officer Floyd Allen, Correctional Officer Thomas Hines, Correctional Officer Demetrius Charley, Correctional Warden Deborah Toney, Correctional Warden Chadwick Crabtree, Correctional Warden William Streeter, Regional Director Edward Ellington, and Commissioner John Hamm, sued in their official and individual capacities, and respectfully move the Court pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss all claims asserted against them in Plaintiff's Complaint (doc. 1) on the following grounds:

1. Plaintiff's Complaint is an impermissible shotgun pleading.
2. Plaintiff's claims accruing prior to June 30, 2021, are barred by the statute of limitations.
3. Plaintiff's official-capacity claims are barred by Eleventh Amendment immunity.
4. Plaintiff has failed to state a claim upon which relief may be granted.
5. Plaintiff's federal individual-capacity claims are barred by qualified immunity.

In support of their motion, Defendants will submit a brief that is filed separately.

Respectfully submitted,

Steve Marshall,
Attorney General

/s/ Tara S. Hetzel
Tara S. Hetzel
Deputy Attorney General
Cameron W. Elkins
Assistant Attorney General
Hunter L. Sims
Assistant Attorney General

State of Alabama
Office of Attorney General
501 Washington Avenue
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Fax: (334) 353-8400
Tara.Hetzel@AlabamaAG.gov
Cameron.Elkins@AlabamaAG.gov
Hunter.Sims@AlabamaAG.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2023 I electronically filed a copy of the foregoing Motion to Dismiss with the Clerk of the Court via CM/ECF which will send a copy to the following counsel of record:

Joseph Mitchell McGuire
Susanne Emily Cordner
McGuire and Associates, LLC
31 Clayton Street
Montgomery, AL 36104
jmcguire@mandabusinesslaw.com
scordner@madabusinesslaw.com

Felicia Medina
Alexander Brooks
Medina Orthwein LLP
230 Grand Ave., Suite 201
Oakland, CA 94610
fmedina@medinaorthwein.com
abrooks@medinaorthwein.com

/s/ Tara S. Hetzel
Of counsel